

Final Statement of Reasons

Update to Initial Statement of Reasons

(Government Code 11346.9(a)(1))

No changes. The Initial Statement of Reasons is hereby incorporated by reference.

Determinations

(Government Code 11346.9(a)(2), (d))

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS: None

The Office of Administrative Hearings has determined that the Determinations listed in the Initial Statement of Reasons is correct and complete, and hereby incorporates the statements made pursuant to Sections 11346.2 to 11346.5, inclusive, in complying with Section 11346.9(a)(2).

Consideration of Alternatives

(Government Code 11346.9(a)(4-5))

The Office of Administrative Hearings has determined that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected persons than the proposed action.

No alternatives were proposed to OAH during the public comment period.

Updated Informative Digest / Overview

(Government Code 11346.9(b))

The Administrative Procedure Act (Government Code 11340-11520) governs agencies with regard to rulemaking and adjudication.

Formal Hearings are governed by Chapter 5, Government Code 11500-11529.

The Office of Administrative Hearings (OAH) provides administrative adjudications for state agencies, and has developed rules of procedure for those hearings held under the Administrative Procedure Act, pursuant to Government Code, section 11370.5, subdivision (b).

OAH is revising the existing regulations for clarity and efficiency. Four new regulations are proposed: (1) withdrawing as counsel; (2) obtaining security in a hearing; (3) amending a proposed decision; and (4) remanding a decision.

Statement of Mailing; Notice

Pursuant to 1 CCR 86, the Office of Administrative Hearings has complied with the provisions of Government Code Section 11346.4(a)(1) through (4) regarding mailing of notice of proposed action at least 45 days prior to close of public comment period. Public 45-day comment periods for the proposed changes were from September 5 through October 16, 2003, and April 12 through May 28, 2004.

In compliance with Government Code Section 11346.4(a)(5), this proposed action was submitted to the Office of Administrative Law on August 25, 2003, and was published in the California Regulatory Notice Register on September 5, 2003.

In compliance with Government Code Section 11346.4(a)(6), the notice of proposed action, proposed regulations, and initial statement of reasons was placed on the OAH web site at <http://www.oah.dgs.ca.gov> throughout the comment period.